GOVERNMENT OF AHDHRA PRADESH
ABSTRACT

Public Services - Water Resources Department- Allegation of Corruption against Sri Akula Prakash, Asst. Executive Engineer, Vaddadi Section, Chodavaram Sub-Division, Visakhapatnam district - Departmental proceedings under Rule20 of the A.P.Civil Services (CC&A) Rules,1991 -Articles of charges -Issued.

WATER RESOURCES (VIGILANCE-I) DEPARTMENT

G.O.RT.No. 377 Dated: 25-10-2024
Read :

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ORDER:

It is proposed to hold an inquiry against Sri Akula Prakash, the then Assistant Executive Engineer, Vaddadi Section, Chodavaram Sub-Division, Visakhapatnam district, in accordance With the Procedure laid down under Rule-20 of the A.P.Civil Services {CC&A) Rules,1991 for the alleged charges specified herein.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charges (Annexure-I). A statement of imputations of misconduct or in support of articles of charges is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charges are proposed to be sustained are also enclosed. (Annexure-Ill & IV)

3. Sri Akula Prakash, the then, Asst. Executive Engineer, Vaddadi Section, Chodavaram Sub-Division, Visakhapatnam district is directed to submit his written statement of defence within (10) days from the date of receipt of his order and also state whether he desires to be heard in person.

4. Sri Akula Prakash, the then Asst. Executive Engineer, Vaddadi Section, Chodavaram Sub-Division, Visakhapatnam district is informed that an inquiry will be held only ln respect of those article charges which are not specifically admitted herein. Lie should, therefore, specifcally admit or deny each article of Charge. He is further Informed that adequate opportunity for perusal of records Will be made available during the course of Inquiry.

5. Sri Akula Prakash, the then Asst. Executive Engineer, Vaddadi Section, Chodavaram Sub-Division, Visakhapatnam district is further informed that if he does not submit his written statement of defence on or before the stipulated time or does not appear in person before the disciplinary authority or otherwise fails or refuses to comply with the provisions of rule 20 of the APCS (CC&A) Rules,1991 or the orders/ directions issued ln pursuance the said Rules, the inquiring authority may hold inquiry against him ex-parte.

6. Attention of Sri Akula Prakash, the then Asst. Executive Engineer, Vaddadi Section, Chodavaram Sub-Division, Visakhapatnam district is invited to Rule-24 of the Andhra Pradesh Civil Services (Ct,nduct) Rules 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters Pertaining to his Service under the Government. If any representation is received on his behalf from another person ln respect of any matter dealt with these Proceedings, it will be Presumed that Sri Akula Prakash, the then Asst. Executive Engineer, Vaddadi Section, Chodavaram Sub-Division, Visakhapatnam district is aware of such a representation and that it has been made at his instance and action Will be taken against him for Violation Of Rule-24 of the Andhra Pradesh Civil Services (Conduct) Rules,1964.

7. The receipt of this order should be acknowledged.

(BY ORDERAND IN THE NAME OFTHE GOVERNOR OFANDHRA PRADESH)

G SAI PRASAD I A S,
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri Akula Prakash, Asst. Executive Engineer, Vaddadi Section, Chodavaram Sub-Division, Visakhapatnam district(through the Engineer-in-Chief(AW) Water

Resources Department, Vijayawada).

The Engineer-in-Chief(AW) Water Resources Department, Vijayawada with a request to submit the dated acknowledgement of the individual to the Govt., without any delay.

The Director General, Anti Corruption Burau,Vijayawada.

The Secretary, A.P.Vigilance Commission,A.P.Secretariat,VELAGAPUDI.

Sc/SF

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE-1

STATEMENT OF ARTICLE OF CHARGES FRAMED AGAISNT SRI AKULA PRAKASH, THE THEN ASST. EXECUTIVE ENGINEER, VADDADI SECTION, CHODAVARAM SUB-DIVISION, VISAKHAPATNAM DISTRICT

That Sri Akula Prakash, S/o. Venkata Ramana, 44 Yrs., worked as Assistant Executive Engineer Water Resource Department (Irrigation),Vaddadi Section,Chodavaram Sub-Division, Visakhapatnam District (herein after referred as Government Servant) while functioning as such during the period between 29.11.2014 to 05.02.2018 (till date of trap) committed grave misconduct in as much as:

ARTCILE-I:

That Government Servant in abuse of his ofcial position engaged three private persons viz., Sri Nagulapalli Devi Vara Prasad (A2), Sri Gatreddi Santosh Raju and Sri Magubari Someswara Raoto attend to official work.

Thus Sri Akula Prakash, worked as Assistant Executive Engineer, Water Resource Department (Irrigation), Vaddadi Section, Chodavaram Sub-Division, Visakhapatnam District by his above mentioned acts exhibited lack of devotion to duty, failed to maintain integrity, behaved in a manner unbecoming of a Government Servant and brought down the prestige of the Government and there by violated/contravened Rules 3(1) & 3(2) of AP Civil Services (Conduct) Rules, 1964.

G SAI PRASAD I A S,
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE-II

STATEMENT OF IMPUTATIONS OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF ARTICLE OF CHARGES FRAMED AGAINST SRI AKULA PRAKASH, THE THEN ASST. EXECUTIVE ENGINEER, VADDADI SECTION, CHODAVARAM SUB-DIVISION, VISAKHAPATNAM DISTRICT

Sri Akula Prakash, S/o. Venkata Ramana is native of Chodavaram, Visakhapatnam District and now Anakapalli District. His date of birth is 09.03.1979. He entered into Government service on 10.09.2012 F.N. as Asst.Executive Engineer and worked as such at B.R.R. Vamsadara Project,Investigation Sub-Division, Hiramandalam under control of B.R.R. Vamsadara Project Investigation Division, Amadalavalasa up to 28.11.2014 A.N. Later he transferred on 29.11.2014 F.N. and worked as in same capacity at Vaddadi Section, Chodavaram Sub Division, Chodavaram of Visakhapatnam Division, Visakhapatnam under control of Irrigation Circle, Visakhapatnam up to 05.02.2018 A.N. (till the date of trap). He is due to retire on attaining the age of superannuation on 31.03.2041. He is here-in-after referred to as Government Servant (G.S.).

CHARGE-I:

That Government Servant in abuse of his official position engaged three private persons viz., Sri Nagulapalli Devi Vara Prasad (A2), Sri Gatreddi Santosh Raju and Sri Magubari Someswara Raoto attend to official work.

FACTS AND EVIDENCE

That on 03.02.2018 at about 11.00 hrs Sri Alla Santosh Kumar, S/o. Late Venkata Nooka Raju, Cultivation, Kaspa jaganadhapuram Village, Madugula Mandal, Visakhapatnam District came to the O/o, the DSP, ACB, Visakhapatnam Range and presented a written typed complaint stating that the Government Servant Sri Akula Prakash, S/o. Venkala Ramana, 44 Yrs., worked as Assistant Executive Engineer, Water Resource Department (Irrigation), Vaddadi Section, Chodavaram Sub-Division, Visakhapatnam District demanded him to pay a bribe amount of Rs.50,000/- as bribe from the complainant for doing official favour of processing payment of silting work executed in Sitaramsagar Tank & construction of 02 culverts over the bund of Sriramsagar Tank at K.J. Puram village and also as reward for processing payment of silting work done in Rangarao Sagar Tank by the complainant.

That after observing all legal formalities, the DSP, ACB, Visakhapatnam Range registered the complaint as a case in Cr.No.03/RCT-ACB/VSP/2018 7,12, & 13 (2) r/w 13 (1) (d) of P.C. Act 1988 of ACB Visakhapatnam Range on 05.02.2018 at 06:00 hrs and took up investigation.

On 05.02.2018, the DSP, ACB, Visakhapatnam Range secured the presence of two respectable mediators viz. 1) Sri Gollu Ananda Rao, S/o Ramu Naidu, 54 Yrs, Head Master, Z.P.High School, Mutyalammapalem, Parawada Mandal, Visakhapatnam District, R/o D.No. 2-174, Srinivasa Nagar, Gopalapatnam,Visakhapatnam City 2) Sri Budumuru Annaji Rao, S/o Swamy, 47 Yrs, School Asst, (Physical Education), Z.P. High School, Vada Chipurupalli, Parawada Mandal, Visakhapatnam Dist. Rio D.No. 31-30-38/2. Kurmannapalem, Via Vadlapudi, Beside Pavani Public School, Visakhapatnam City and also secured the presence of the complainant.

The DSP, ACB, Visakhapatnam Range conducted pre-trap proceedings from 06:30 hrs to 09:00 hrs which was reduced into writing by the mediators as pre-trap proceedings incorporating the serial numbers of the currency notes, the demonstration of chemical tests and the instructions issued to the complainant and the other members of the trap party.

On 05.02.2018 at 14:40 hrs, the Government Servant was successfully trapped by the ACB officials when he further demanded and accepted the bribe amount of Rs.50,000/- from Sri Alla Santosh Kumar through his Date Entry Operator-cum-

Private Assistant Sri Nagulapalli Devi Vara Prasad for showing the above said official favour at the instance of Government Servant.

On being asked by the DSP, Sri Alla Santosh Kumar (complainant) stated that at about 14.30 hrs while himself and Sri Adari Srinnivasa Rao are at the AEE's office for arrival of the Goverrinient Servant, meanwhile the Government Servant returned to his ofce. Then, he along with Sri A. Srinivasa Rao approached the Government Servant who was giving dictation to his private Asst. on a laptop in his office room. On seeing him, took him in to the inside room, the AEE asked whether he brought the demanded bribe amount of Rs.50,000/-. He responded positively and took out the tainted amount from his right side trouser pocket and produced before Sri Akula Prakash. Then we both came to the front room, the Government Servant instructed his private assistant Sri N.D.V. Prasad to receive the said bribe amount of Rs.50,000/- from him. Accordingly, on the instructions of A.E.E., his private assistant Sri NDV Prasad received the same with his right hand, counted with both hands, kept the same in his left side trouser pocket. Then the Government Servant assured him that he will process for the payment of pending bills. Later, he left from his ofce and gave the pre-arranged signal to Sri M.V.Ramana Murthy, Inspector. Within few minutes the ACB officials entered into the office room and he pointed the Retired Government Servant to the DSP. The DSP instructed the complainant and accompany witness to wait outside of said office room of the Government Servant. They did accordingly. The chemical test was conducted on both hand fingers of the Government Servant yielded no result. Then the chemical test was conducted on both hand fingers of the Private Assistant Sri Nagulapalli Devi Vara Prasad yielded positive result. The tainted currency was recovered from the left side trouser pocket of Sri Nagulapalli Devi Vara Prasad, Private Assistant to the Government Servant. The serial numbers of the recovered currency notes were tallied with that of the serial number of the currency notes mentioned in the pre-trap proceedings. The inner lings of the left side trouser pocket of Sri Nagulapalli Devi Vara Prasad, Private Assistant to the Government Servant, which came into contact with tainted currency notes, was also subjected to chemical test and it yielded positive result The DSP secured resultant solutions into three separate bottles, the tainted currency notes and trouser of Sri Nagulapalli Devi Vara Prasad, Private Assistant to the Government Servant seized under cover of the mediators report. The DSP also seized the sample of sodium carbonate powder used in the chemical test under the cover of mediators report.

On the request of DSP the Government Servant produced the following documents and records before the DSP, The DSP perused the same and the details are as follows.

1). A made up fve relating to work De-siiting and improvement to Rangarao Sagaram Cheruvu of K.J. Puram (V) in Madugula (M) of Visakhapatnam (Dt).

(a) Estimate copy for Rs.7,50,000/-containing 04 sheets.

2) A made up fle relating to work "De-silting and improvement to Sitharam Sagaram Cheruvu of K.J. Puram (V) in Madugula (M) of Visakhapatnam (Dt).

(a) Estimate copy for Rs.8,00,000/- containing 04 sheets.

3) A made up fle relating to work "De-silting and improvement to Sriram Sagaram Cheruvu Reach-1 & 2 of K.J. Puram (V) in Madugula (M)of Visakhapatnam (Dt).

(a) Estimate copy for Rs.9,50.000/-(Reach-1) containing 04 sheets.
(b) Estimate copy for Rs.9,90,000/-(Reach-2) containing 14 sheets.
(c) Agreement copy of Reach-1 containing-05 sheets.

4) Original Bill register containing the details of bills submitted to Division Office, headed by EE, Visakhapatnam to above three works at Ser. Nos. 136/2017- 2018, 137/2017-18, 115/2016-17, 312/2016-17, 40/2017-18.

The DSP seized the above three made-up files and one register for the purpose of further investigation duly attested by the mediators and the DSP.

Then the DSP secured the presence of the complainant and accompany witness, who are waiting outside and asked them to narrate what had happened after they

left the trap party and the version of the complainant and accompany witness were recorded by the mediators in the mediators report No.-II (Post Trap Proceedings).

When the DSP questioned the Government Servant he stated that he has been working as such since Nov 2014. He knows Sri Alla Santosh Kumar of K.J.Puram village. His mother Smt. Alla Appalakonda is a water user association president. She was entrusted with Jungle Clearance and de silting of tanks under Neeru Chettu Programme in Madugula Mandal. Her son Sri Alla Santosh Kumar executed de-silting works of Sriramsagaram Reach-II, de-silting and improvements to Seetharamsagaram tank and de-silting and improvements to Rangaraosagaram tank of K.J. Puram village of Madugula Mandal during the year 2016-17. On 24.01 2018, Sri Santosh kumar met him at his office and enquired about the pending bills pertaining to Seetharamsagaram and Sriramsagaram. Again on 02.02.2018, he met him in his ofce and offered Rs.20,000/- as formality, he refused and demanded to pay Rs. 50,000/- on 05.02.2018 at his office as reward for processing payment of de-silting work executed in Rangarao
Sagaram Tank by Alla Santosh Kumar and also for processing payment of two other works executed in Sitaramsagaram tank at K.J. Puram. Today i.e., on 05.02.2018 at about 14.30 hours, while he was present and giving dictation to his private assistant Sri N.D.V. Prasad on his lap top in his office room, Sri Alla Santosh Kumar and Sri Adari Srinivasa Rao, vice President, Water User's Association, K.J. Puram approached him, Sri Santosh Kumar voluntarily offered an amount of Rs. 50,000/- as formality for which he instructed his private assistant Sri N.D.V. Prasad to receive the said amount from Sri Santosh Kumar. Accordingly, Sri NDV Prasad received the amount of Rs.50,000/- from him and kept the same in his left side trouser pocket. Then he assured Sri Santosh Kumar that he will also process the payment of pending bills. Later, Sri Santosh Kumar
and the vice president Sri Adari Srinivasa Rao left from his once room and within no time the ACB officials entered into his office room.

When the DSP questioned Sri Nagulapalli Devi Vara Prasad, Private Assistant to Government Servant as to what had happened between him and the complainant Sri Alla Santosh Kumar. The A-2 stated that he has been working as private assistant to Sri Akula Prakash, AEE since Nov 2017. The AEE is paying Rs.6,000/- p.m as salary to him. Today i.e. on 05.02.2018 at about 14.30 hours, while he was present and taking dictation from Sri Akula Prakash, AEE in the lap top, Sri Alla Santosh Kumar and Sri Adari Srinivasa Rao, vice President, Water User's Association, K.J. Puram approached the AEE on securing Santosh Kumar, the AEE went to the inside room. Later they come to first room, on the instructions of AEE Sri Prakash, he received cash from Sri Santosh Kumar, counted with both hands and kept the same in his left side trouser pocket. Later, Sri Santosh Kumar and Sri A. Srinivasa Ras left the office of AEE and within no
time the ACB ofcials entered into his office room.

The DSP examined the following witnesses who were present at the scene of offence at the time of trap and conducting post trap proceedings in the presence of the mediators and the mediators incorporated their statements in detail in the post trap proceedings.

Witness-I) Smt. Pyla Usha Rani, W/o. D. Venugopala Rao, Dy EE., Chodavaram Sub Division, Water Resources Department (Irrigation)

She is working as Dy. EE, Chodavaram Sub Division, Water Resources Department (Irrigation) and the Government Servant was working under her control in Vaddadi Section. She speaks about execution of 3 works ie. (1) De-silting and improvement to Rangarao Sagaram Cheruvu for an estimated cost of Rs.7.50 lakhs (2) De-silting and improvement to Sitharam Sagaram Cheruvu for an estimated cost of Rs.8 lakhs (3) De-silting and improvement to Sriram Sagaram Cheruvu Reach-1 for an estimated cost of Rs.9.50 lakhs & Reach-2 for estimated cost of Rs.9.90 lakhs at K.J. Puram (V) in Madugula (M)of Visakhapatnam (Dt) and entrustment of said works, who executed the said works, how much and when the bill amount was paid to the executing agency, the stage and location of the pending bills, maintenance of registers, not to engage private persons in the ofce, leave details of the Government Servant and etc. facts.

Witness-II) Sri Adari Srinivasa Rao, Sio late Somu Naidu, 50 Yrs Vice-President, Water User's Association, Kaspajagannadhapuram Village, Madugula Mandal,Visakhapatnam District.

He is the accompanying witness and speaks about the contents of Mediator's Report-I & II dated 05.02.2018 to the extent concerned to him. His statement U/sec. 184 of Cr.P.C. was recorded by the Hon'ble Addl Junior Civil Judge. Anakapalli, Visakhapatnam district on 17.03.2018 and etc, facts.

Witness-III) Sri Shaik Mohammad Khadar Basha, S/o. Late Sk. Vali, Majdoor, O/o AEE, Water Resources management (Irrigation), Vaddadi Section, Chodavaram, Rio D.No. B-1, Co-Operative Colony, Chodavaram, Visakhapatnam District.

He speaks about visit of the complainant to the O/o AEE on 02.02.2018 and enquired about the payment of works executed by him at Rangarao Sagar,Sriramsagar and Sitharamsagar tanks of K.J. Puran village. He also speaks about demand of bribe amount of Rs.50,000/- by the AEE (Govt. Servant) for process and payment of pending bills and asked the complainant to come to his office of 05.02.2018 along with demanded bribe and His statement U/sec. 164 of Cr.P.C. was recorded by the Hon'ble I Addl Junior Civil Judge, Anakapalli, Visakhapatnam district on 17.03.2018 and etc, facts.

Witness-IV) Smt Alla Appalakonda, Wio late Venkata Nooka Raju, 60 Yrs, President, Water User's Association, K.J.Puram Village, Madugula Mandal, Visakhapatnam District.

She speaks that, she is President, Water User's Association, K. J.Puram Village. De-silting works of Sriram sagar, Sitharam sagar and Rangarao sagar works were executed by his son on her behalf. She came to know about the demand of bribe amount of Rs.50,000/- by the Govt. Servant for processing payment of de-silting works executed in Sitharam Sagar tank, Sriramsagar tank and also as reward for processing payment of de-silting work done in Rangarao Sagar Tank. On 05.02.2018 she came to know through his son about the trap laid against the Govt. Servant & his Private Assistant Sri Nagulapalli Devi Prasad by the ACB ofcials when the Govt.Servant further demanded and accepted bribe of Rs.50,000/- and etc., facts.

Witness-V) Sri Gatreddi Santosh Raju, So Sanni Babu, 28 Yrs, Private Assistant to AEE Sri A. Prakash, WRD (Irrigation), Vaddadi Section, Rio Madhumanthi Street, Kothakota village, Ravikamatam Mandal, Visakhapatnam.

He speaks about his working as Private Asst. to Sri Akula Prakash, AEE, Water Resources Department, Vaddadi Section since Oct, 2017 along with two other private assistants On 29.01.2018, AEE Sri A. Prakash asked about his bank account Number & ATM card and took his mobile phone from him, sent a SMS from his mobile No. 9550788798 to Sri Alla Santosh Kumar mobile. He also speaks that on 01.02.2018 an amount of Rs.1,20,000/- was credited in his barık account and the same was withdrawn by the AEE and later he handed over his ATM card to him and etc facts.

Witness-VI) Sri Lagudu Krishna Murthy, S/o late Appala Swamy, 54 Yrs, Superintendent, Water Resources Department, O/o Executive Engineer, Division office, Visakhapatnam, Rio D.No. 5-N-92. NGGO's Colony, Chandrampalem, Madhurawada, Visakhapatnam.

He speaks about the process of works bills and submission of bills to PAO for payment and also speaks about the receiving of works bills for the works executed at Sriramsagar, Sitharam sagar and Rangarao Sagar tanks of K.J. Puram village, Madugula Mandal from the Sub Division ofce, Chodavaram and submission of the same to PAO, Visakhapatnam for payment and etc facts.

Witness-VII) Sri Pachigolla Premananda Rao, S/o late Nirikshana Rao, 52 Yrs, Divisional Accounts Ofcer, O/o Executive Engineer, Water Resources Department, Visakhapatnam, R/o D. No. 2-4L-5, LIG-30, Sec-VI, MVP Colony,Visakhapatnam.

He speaks about receiving of works bills for de-silting works executed in Rangarao Sagar tank, Sriram Sagar and Sitharam sagar tank from the Sub Division Office,

Chodavaram, he scrutinized the bills and forwarded the bills to PAO for payment after approval of Executive Engineer, Division Office, Visakhapatnam. He also speaks about the payment for de-silting works executed at Rangarao Sagar was made to the executant on 20.01.2018, payment for the bills for de-silting works executed at Sriramsagar and Sitharam sagar are yet to be paid to the executants as the bills were ready for payment and pending with Govt. clearance and etc facts.,

Witness-VIII) Sri Koruprolu Mallikharjuna Rao, S/o Ramana, 54 Yrs, Executive Engineer, Water Resources Department, Visakhapatnam Division, Rio D. No. 54-11-44/24, Flat No.502, Grand Apartment, Maddilapalem, Visakhapatnam.

He speaks about the procedural aspect for passing and submission of work bills to PAO for payment and also speaks about happenings held during execution of 3 works i.e. (1) De-silting and improvement to Rangarao Sagaram Cheruvu for an estimated cost of Rs 7.50 lakhs (2) De-silting and improvement to Sitharam Sagaram Cheruvu for an estimated cost of Rs.8 lakhs (3) De-silting and improvement to Sriram Sagaram Cheruvu Reach-1 for an estimated cost of Rs.9.50 lakhs & Reach-2 for estimated cost of Rs.9.90 lakhs at K.J. Puran (V) in Madugula(M) of Visakhapatnam (Dt) in Vaddadi Section, no instructions from the superior ofcers to engage any technical assistants/private assistants to section officers, private assistants engaged by the Govt. Servant is without the notice of the higher officials, he knew about the trap laid against the Government Servant and etc. facts.

Witness-IX) Sri Magubari Someswara Rao, S/o late Anand, 20 Yrs, Private Asst. to Sri A. Prakash, AEE, O/o WRD, Chodavaram, N/o Komaraltada village,Vajrapukothuru Mandal, Srikakulam district.

He speaks that he is studying B. Tech., III Year at A.S.K. College of Engineering. Anakapalli. During the month of Nov, 2016, he went on Industrial Training to Water resources Department, Chodavaram. At that he had acquaintance with Sri Akula Prakash, AEE, Water resources Department, Chodavaram. With that acquaintance, he approached Sri A. Praksh to facilitate part time job. Accordingly, Sri A. Prakash asked him to work as Private assistant to him and he joined. He assisted the AEE while conducting field inspection and measurement of works executed by the executants and etc fatcs. ,

Witness-X) Sri Adari Vasu, S/o late Laxmi Naidu, 33 Yrs, Software Engineer, M/s Cap Gemini India (P) Ltd.. White Field, Bangalore, N/o Kaspajagannadhapuram village, Madugula Mandal, Visakhapatnam District.

He speaks that on 03.02.2018, on the request of Sri Alla Sanosh Kumar he drafted a report against Sri A. Prakash, AEE, WRD, Chodavaran as dictated by Sri Alla Santosh Kumar and etc facts.,

(During the course of investigation witness no.3 to 10 were examined).

Hence the charge against the Government Servant that he demanded and accepted bribe of Rs.50,000/- from the complainant Sri Alla Santosh Kumar through his Private Assistant Sri Nagulapalli Devi Prasad for showing official favour is held substantiated.

Thus the Government servant, Sri Akula Prakash, S/o. Venkata Ramana, by his above mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of a Government servant and brought down the prestige of the Government and thereby violated/contravened Rules 3(1) & 3(2) of AP Civil Services (Conduct) Rules, 1964.

Thus, the Government Servant Sri Akula Prakash, S/o. Venkata Ramana, 44 Yrs., worked as Assistant Executive Engineer, Water Resource Department (Irrigation), Vaddadi Section, Chodavaram Sub-Division, Visakhapatnam District rendered himself for regular departmental enquiry for major penalty.

G SAI PRASAD I A S,
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE-III

LIST OF DOCUMENTS IN WHICH THE ARTICLE OF CHARGES FRAMED AGAINST SRI AKULA PRAKASH, THE THEN ASST. EXECUTIVE ENGINEER, VADDADI SECTION, CHODAVARAM SUB-DIVISION, VISAKHAPATNAM DISTRICT

Documentary Evidence:-

Following is the documentary evidence available to substantiate the allegation.

01. Complaint dt.03.02.2018 given by the complainant:

It reveals about the facts of the demand of bribe amount of Rs.50,000/-by the Government Servant as reward for processing payment of de-silting work executed in Rangarao sagar tank by the complainant and also doing official favour of processing payment of ce-silting work executed in Sitaramsagar tank and construction of 02 culverts over the bund of Sriramsagar tank at K.J.Puram village.

02 . F.I.R. in Cr.No.03/RCT-VSP/2018, dt.05.02.2018.

It reveals that a report was received from the complainant with regard to demand of bribe and registration of the case against the Government Servant.

03. Mediators Report-I:- It reveals the pre-trap happenings dt. 05.02.2018

04. Mediators Report-II:- It reveals the post trap happenings, úta 05.02.2018.

05. A made up file relating to work 'de-silting and improvement to Rangarao Sagaram Choruvu of K.J.Puram (V) in Madugula (M) of Visakhapatnam along estimate copy for Rs.7,50,000/

06. A made up file relating to work de-silting and improvement to Sitharam Sagaram Cheruvu of K.J.Puram (V) in Madugula (M) of Visakhapatnam along estimate copy for Rs. 8,00,000/-

07. A made up file relating to work 'de-silting' and improvement to Sriram Sagaram Cheruvu Reach-1 & 2 of K.J.Puram (V) in Madugula (M) of Visakhapatnam along with estimate copy for Rs.9,50,000/- (Reach-1) containing 04 sheets, (b) Estimate copy for Rs.9,90,000/- (Reach-2).

08. One Original Bill Register containing the details of bills submitted to Division Office, headed by EE, Visakhapatnam to above three works at Ser. Nos. 136/2017-2018, 137/2017-18, 115/2016-17, 312/2016-17, 40/2017-18.

09. A copy of made-up file relating to agreement form A6 for execution of De-silting of Rangaraosagar Cheruvu reach-02 of K.J.Puram (v) Madugula (M) containing 20 sheets: it reveals that the agreement authority i.e. EF (Irrigation), Visakhapatnam division entered into agreement with A Appala Konda (mother of the complainant), President of WUV. Konam, Sirijam channel vide agreement No 89/2017-18 on 15.05.2017.

10. Copy of the bills status in respect of Rangaraosagaram vide token No.5195, dt. 19.09.2017, t reveals that an amount of Rs.4,10,366/- was paid through online to the executive agency i.e. Smt. Alla Appalakonda.

11. A copy of made-up file relating to agreement form-A6 for execution of De-silting Sri Sitaramsagaram Cheruvu of K.J.Puram (V), Maduguia containing – 20

sheets: it reveals that the agreement authority i.e. EE (Irrigation), Visakhapatnam division entered into agreement with A.Appala Konda (mother of the complainant) President of WUV, Konam, Sirijam channel vide agreement No.605/2017-18 on 03.06.2017.

12. Copy of the bills status in respect of Sitaramsagaram vide token No.7310, dt.09.11.2017, it reveals that an amount of Rs.3.74,768/-, bill ready for payment to the executive agency i.e. Smt. Alla Appalakonda.

13. Copy of administrative approval of district Collector & Magistrate, Visakhapatnam vide letter No. 19/Rev./WR Department, dt.09 04 2017, the works relating to Rangaraosagar and Sitaramsagar were noted at Sl. No.52 & 63.

14. **Copy of made-up file** relating to agreement form A6 for execution of De-silting of Sriramsagaram Cheruvu reach-02 of K.J.Puram (v) Madugula (M) containing 31 sheets: it reveals that the agreement authority le EE (Irrigation), Visakhapatnam division entered into agreement with A.Appala Konda (mother of the complainant). President of WUV, Konam, Sirijam channel vide agreement No.699/2016-17 on 24.08.2016.

15. Copy of the bills status in respect of Sriramsagaram Cheruva reach-02 vide token No./954, dt 20.11.2017, it reveals that an amount of Rs.2.04,517, bill ready for payment to the executive agency ie. Smt. Alia Appalakonda.

16. Copy of administrative approval of district Collector & Magistrate, Visakhapatnam vide letter No.9/Rov./WR Department, dt. 10.05.2016. The works relating to Sriramsagar Reach-II was noted at St.No.201.

17. One copy of SMS/MMS printout of SBI Account number 33410257381 and IFCI-15810 of Sri G.Santosh Raju, private assistant to the Government Servant was sent by the Government Servant through his private assistant mobile of Sri G.Santosh Raju to the mobile phone of complainant.

18. One certificate dated 05.02.2018of Sri Alla Santhosh Kumar complainant in Cr.No. 03/RCT-ACB-VSP/2018.

19. **Ltr. No. 258M/SE/IC/VSP/AB/EC.I dated 03.03.2018 of the Superintending Engineer, Irrigation Circle, Visakhapatnam**.

It reveals the service particulars, Job Chart, Suspension Order of Accused Ofcer-1 and procedural aspect for processing and payment of bills along with copies of M-Book Ser. No. 79150, 63850 and 6376D.

20. Ltr. No. Nil, dated 09.04.2018 of the Branch Manager, SBI, Asilmetta Branch, Visakhapatnam.

It reveals the statement of account Vide A/C. No. 33419257391 of Sri G.Santosh Raju. On perusal an amount of Rs.1.20 lakh was credited in the said account through NEFT.

21. Statement of the complainant, accompanying witness and other witness recorded u/s 164 Cr.P.C. recorded by the Hon'ble I Addl. Junior Civil Judge, Anakapalli on 17.03.2018.

It reveals about the facts of the complaint & accompanying witness and other witness recorded by the Hon'ble | Addl. Junior Civil Judge, Anakapalli on 17.03.2018.

22. **Call details of mobile No. 7989557789 of the Government Servant obtained through of Addl. Supdt. of Police (Admn.), Visakhapatnam District from Nodal Officer, Nodal Ofcer, AIRTEL Cellular, D.No. 1-8-437, 438 & 445, Splendid Towers, Opp. Begumpeta Police Station, Begumpet,Hyderabad.**

It reveals the Government Servant made phone calls on 25.01.2018at 0958 hrs, on 29.01.2018 at 07.29 hrs and 01.02.2018 at 1031 hrs from his Mobile No.7989557789 to the Mobile No. 9989783006 of the complainant.

23. Any other documents to be fled at the time of enquiry.

G SAI PRASAD I A S,
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//
SECTION OFFICER

ANNEXURE-IV

LIST OF WITNESS BY WHOM THE ARTICLE OF CHARGES FRAMED AGAISNT SRI AKULA PRAKASH, THE THEN ASST. EXECUTIVE ENGINEER, VADDADI SECTION, CHODAVARAM SUB-DIVISION, VISAKHAPATNAM DISTRICT

ORAL EVIDENCE:

The following oral evidence is available on record.

1. **Sri Alla Santosh Kumar, S/o late Venkata Nooka Raju, 32 Yrs, Cultivation, Rio Kaspajagannadhapuram village, Madugula Mandal, Visakhapatnam District**

He is the complainant and speaks about the contents of his complaint dated 03.02.2018 at 11:00 hrs submitted to the DSP, ACB, Visakhapatnam Range and also speaks about the contents of Mediators Report 1 & 2 dt.05.02.2018 to the extent concerning him. The statement of the complainant was recorded by the Hon'ble 1 Addl. Junior Civil Judge, Anakapalli, Visakhapatnam district U/s 164 C-P.C on 17.03.2018, he deposed reiterating the contents of the complaint and his participation in Pre-Trap and Post-Trap Proceedings.

2**. Sri Adari Srinivasa Rao, S/o late Somu Naidu, 50 Yrs, Vice-President,Water User's Association, Kaspajagannadhapuram Village, Madugula Mandal, Visakhapatnam district.**

He is the accompanying witness and speaks about the contents of Mediator's Report-1 & II dated 05.02.2018 to the extent concerned to him. His statement U/sec. 164 of Cr.P.C. was recorded by the Hon'ble I Addl. Junior Civil Judge, Anakapalli, Visakhapatnam district on 17.03.2018.

3. **Sri Shaik Mohammad Khadar Basha, S/o late SK. Vali, Majdoor, Olo AEE, Water Resources management (Irrigation), Vaddadi Section,Chodavaram, Rio D.No. B-1, Co-Operative Colony, Chodavaram,Visakhapatnam district.**

He speaks about visit of the complainant to the Oro AEE on 02.02.2018 and enquired about the payment of works executed by him at Rangarao sagar,Sriramsagar and Sitharamsagar tanks of K.J.Puram village. He also speaks about demand of bribe amount of Rs.50,000/- by the AEE (the Government Servant) for process and payment of pending bills and asked the complainant to come to his office of 05.02.2018 along with demanded bribe and His statement U/sec. 164 of Cr.P.C. was recorded by the Hon'ble 1 Addi. Junior Civil Judge, Anakapalli, Visakhapatnam district on 17.03.2018 and etc, facts.

4**. Smt Alla Appalakonda, W/o late Venkata Nooka Raju, 60 Yrs, President, Water User's Association, K.J.Puram Village, Madugula Mandal, Visakhapatnam District**.

She speaks that, she is President, Water User's Association, K.J.Puram Village.De-silting works of Sriram sagar, Sitharam sagar and Rangarao sagar works were executed by his son on her behalf. She came to know about the demand of bribe amount of Rs.50,000/- by the Government Servant for processing payment of de-silting works executed in Sitharam Sagar tank, Sriramsagar tank and also as reward for processing payment of de-silting work done in Rangarao Sagar Tank.On 05.02.2018, she came to know through his son about the trap laid against Government Servant & his Private Assistant Sri Nagulapalli Devi Prasad by the ACB

officials when Government Servant further demanded and accepted bribe of Rs.50,000/- and etc., facts,

5. **Sri Gatreddi Santosh Raju, S/o Sanni Babu, 28 Yrs, Private Assistant to AEE Sri A. Prakash, WRD (Irrigation), Vaddadi Section, Rio Madhumanthi Street, Kothakota village, Ravikamatam Mandal, Visakhapatnam**.

He speaks about his working as Private Asst. to Sri Akula Prakash, AEE,Water Resources Department, Vaddadi Section since Oct, 2017 along with two other private assistants. On 29.01.2018, AEE Sri A. Prakash asked about his bank account Number & ATM card and took his mobile phone from him, sent a SMS from his mobile No. 9550788798 to Sri Alla Santosh Kumar mobile. He also speaks that on 01.02.2018 an amount of Rs. 1,20,000/- was credited in his bank account and the same was withdrawn by the AEE and later he handed over his ATM card to him and etc facts.,

6. **Sri Lagudu Krishna Murthy, S/o late Appala Swamy, 54 Yrs,Superintendent, Water Resources Department, Olo Executive Engineer, Division ofce, Visakhapatnam, R/o D.No. 5-N-92, NGGO's Colony, Chandrampalem, Madhurawada, Visakhapatnam.**

He speaks about the process of works bills and submission of bills to PAO for payment and also speaks about the receiving of works bills for the works executed at Sriramsagar, sitharam sagar and Rangarao Sagar tanks of K.J. Puram village, Madugula Mandal from the Sub Division ofce, Chodavaram and submission of the same to PAO, Visakhapatnam for payment and etc facts.,

7. **Sri Pachigolla Premananda Rao, S/o late Nirikshana rao, 52 Yrs,Divisional Accounts Officer, Olo Executive Engineer, Water Resources Department, Visakhapatnam, Rio D.No. 2-4L-5, LIG-30, Sec-VI, MVP Colony, Visakhapatnam**.

He speaks about receiving of works bills for de-silting works executed in Rangarao Sagar tank, Sriram Sagar and Sitharam sagar tank from the Sub Division Office, Chodavaram, he scrutinized the bills and forwarded the bills to PAO for payment after approval of Executive Engineer, Division Office, Visakhapatnam. He also speaks about the payment for de-silting works executed at Rangarao Sagar was made to the executant on 20.01.2018, payment for the bills for de-silting works executed at Sriramsagar and Sitharam sagar are yet to be paid to the executants as the bills were ready for payment and pending with Govt. clearance and etc facts.,.

8. **Smt Pyla Usha Rani, W/o D. Venugopala Rao, Dy. Executive Engineer,Water Resources Department (Irrigation), Chodavaram Sub Division,Visakhapatnam District, R/o D.No. 10-108, P.F. Colony, China Mushidiwada, Pendurthi Mandal, Visakhapatnam Dist.**

She speaks about allotment of De-silting and improvement to Rangarao Sagaram Cheruvu, De-silting and improvement to Sitharam Sagaram Cheruvu and De-silting and improvement to Sriram Sagaram Cheruvu Reach-1 at K.J.Puram (V) in Madugula (M) of Visakhapatnam (Dt) under Neeru Chettu to Smt Alla Appala Konda, President, Water Users Association, Madugula Mandal. The works were executed by her son Sri Alla Santosh Kumar. As seen from the work bill register maintained in Sub Division Ofce, Chodavaram, the bill of Rs.4,10,366/-for first work relating to Rangarao Sagaram cheruvu was paid to the executing agency. The bill for work relating to Sitharam Sagaram cheruvu and Sriram sagaram Cheruvu were sent to PAO through Division office. The AEE should not engage the private assistants in his ofce to discharge the legitimate government cuties and etc facts.

9**. Sri Koruprolu Mallikharjuna Rao, Sío Ramana, 54 Yrs, Executive Engineer, Water Resources Department, Visakhapatnam Division, Rio D.No. 54-11-44/24, Flat o.502, Grand Apartment, Maddilapalem,Visakhapatnam.**

He speaks about the procedural aspect for passing and submission of work bills to PAO for payment and also speaks about in Vaddadi section, the administrative approval was accorded by the district collector for the proposals received from the sub divisional office for de-silting of Sriramsagar Cheruvu reach-2, de-silting and

improvement to Rangarao Sagaram Cheruvu and de-silting and improvement to Seetharam Sagaram Cheruvu. After receiving of administrative approval from the district collector, estimates are technically sanctioned for the estimates submitted by the Dy. Executive Engineer, Water Resources Dept. Chodavaram. After according technical sanction, the works were concluded agreement after receiving proposals from the Dy. Executive Engineer,Chodavaram. Sri Akula Prakash, Asst. Executive Engineer who is the in-charge of the work, noted the detai's of the works executed in the M-Book, prepared the bills and submitted to Dy. Executive Engineer, Chodavaram Circle for onward submission to the Executive Engineer, Division office. The bills are scrutinized in Division office and forwarded to Pay & Accounts Office, Visakhapatriam after receiving quality control certificate. The bill for the work of de-silting and improvement to Rangarao Cheruvu of K.J.Puram was submitted to Pay & Accounts office vide token No. 5195 and an amount of Rs.4. 10,366/-was paid to the executing agency. The bill for the work of de-silting and improvement to Sriramsagaram cheruvu and Sitharamsagaram cheruvu was submitted to Pay & Accounts office on 09.11.2017 and the bills are ready for payment. There are no instructions from the superior officers to engage any technical assistants/private assistants to section officers. Private assistants engaged by Sri Akula Prakash is without the notice of the higher officials and it is totally illegal. Further he came to know about the trap laid against Sri Akula Praksh, Asst. Executive Engineer,Vaddadi Section, Chodavaram Sub-Division by the ACB officials when he further demanded and accepted bribe of Rs.50,000/- from Sri Alla Santosh Kumar (son of Smt Alla Appala Konda) for processing payment of de-silting works executed at Sitharamsagaram and Sriramsagaram Tanks and as reward for processing payment of de-silting work done in Rangarao sagaram tank and etc facts.,

10. **Sri Magubari Someswara Rao, Sio late Anand, 20 Yrs, Private Asst. to Sri A. Prakash, AEE, Olo WRD, Chodavaram, Nio Komaraltada village, Vajrapukothuru Mandal, Srikakulam district.**

He speaks that he is studying B. Tech., III Year at A.S.K. College of Engineering. Anakapalli. During the month of Nov, 2016, he went on Industrial training to Water resourced Department, Chodavaram. At that he had acquaintance with Sri Akula Prakash, AEE, Water resources Department, Chodavaram. With that acquaintance, he approached Sri A. Praksh to facilitate part time job. Accordingly. Sri A. Prakash asked him to work as Private assistant to him and he joined. He assisted the AEE while conducting field inspection and measurement of works executed by the executants and etc fatcs.,

11**. Sri Adari Vasu, S/o late Laxmi Naidu, 33 Yrs, Software Engineer,M/s Cap Gemini India (P) Ltd., White Field, Bangalore, N/oKaspajagannadhapuram village, Madugula Mandal, Visakhapatnam district.**

He speaks that on 03.02.2018, on the request of Sri Alla Sanosh Kumar he drafted a report against Sri A. Prakash, AEE, WRD, Chodavaram as dictated by Sri Alla Santosh Kumar and etc facts.,

12**. Sri Gollu Ananda Rao, S/o Ramu Naidu, 54 Yrs, Head Master,Z.P.High School, Mutyalammapalem, Parawada Marıdal, Visakhapatnam District, R/o D.No. 2-174, Srinivasa Nagar, Gopalapatnam,Visakhapatnam City.**

He speaks that he is the frst mediator and speaks about the contents of Mediators Report-I & II, dt. 05.02.2018.

13. **Sri Budumuru Annaji Rao, S/o Swamy, 47 Yrs, School Asst., (Physical Education), Z.P.High School, Vada Chipurupalli, Parawada Mandal, Visakhapatnam Dist. R/o D.No. 31-30-38/2, Kurmannapalem, Via Vadlapudi, Beside Pavani Public School, Visakhapatnam City.**

He is the second mediator and speaks about the contents of Mediators Report-I & II, dt. 05.02.2018.

14. Sri L. Srinivasa Rao, B.A.L., B.L., V Metropolitan Magistrate-cum-I Addl. Junior Civil Judge, Anakapalli.

He speaks about the recording of statements of Sri Alla Santosh Kumar (complainant), Sri Adari Srinivasa Rao (accompany witness) and Sri S.M.K. Basha,Majdoor, Olo AEE, Water Resources Management (Irrigation), Vaddadi Section,
Chodavaram, U/s. 164 of Cr.P.C on 17.03.2018.

15. **The Nodal Officer, AIRTEL Cellular, D.No. 1-8-437, 438 & 445,Splendid Towers, Opp. Begumpeta Police Station, Begumpet,Hyderabad.**

To speak about his furnishing CDRs pertaining to the mobile numbers 7989557789 of the Government Servant received through Addi. Supdt. of Police (Admin.) O/o. the Supdt. of Police, Visakhapatnam District and etc. facts.

16**. Sri K.V.R.K. Prasad, Deputy Superintendent of Police, ACB,Visakhapatnam Range**.

He speaks about receiving of complaint and got verified the genuineness of report and trap lying and investigation on the day of trap and etc fats.

17. **Sri M.V. Ramana Murthy, worked as Inspector, ACB, Visakhapatnam Range.**

He speaks about his part of investigation and etc. facts.

18 . **Sri Y.K. Kishore Kumar, Inspector, ACB, Visakhapatnam Range**.

He speaks about his part of investigation and etc. fact

19. Any other witness to be mentioned at the time of enquiry.

G SAI PRASAD I A S,
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

SECTION OFFICER